Office-Supreme Court, U.S.
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APR 12 1967
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 1044

JOHN C. KRANTZ, JR. AND LOUISE SPEERS CROIX,
Petitioners,

v.

JOHN F. OLIN, *Respondent.*

PETITION FOR REHEARING

W. BROWN MORTON, JR.
and
H. HUME MATHEWS,
Attorneys for Petitioners

MELFORD F. TIETZE,
Of Counsel

April 12, 1967

PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

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PETITION FOR REHEARING

Petitioners pray for a rehearing of their Petition for Certiorari to the United States Court of Customs and Patent Appeals (C.C.P.A.) filed in this Court on March 10, 1967, and denied by this Court on March 27, 1967.

Grounds for this petition are that a majority of the C.C.P.A. has, within the month, in the *Kirk* and *Joly* decisions (reprinted here in the Appendix) explicitly reversed that Court's pre-*Brenner* v. *Manson*, 383 U.S. 519 (1966) views of the sufficiency of minimal, artificial or spurious utility that formed the basis for its decision in this case.

searcher did not know this compound was useful in treating their disease.

For these reasons the petition for certiorari should be granted, the Order below vacated, and the case remanded.

Respectfully submitted,

W. BROWN MORTON, JR.
and
H. HUME MATHEWS,
Attorneys for Petitioners

MELFORD F. TIETZE,
Of Counsel

April 12, 1967

CERTIFICATE

I hereby certify that I have this 12th day of April, 1967, served a copy of Petitioners' Petition for Rehearing by mailing a copy thereof by first class mail, Postage Prepaid, to each of the following Attorneys for Respondent:

Dexter N. Shaw, Esq.
Howson & Howson
2430 Fidelity-Philadelphia Trust Bldg.
123 S. Broad Street
Philadelphia, Pa. 19109

and

William M. Epes, Esq.
Pennsalt Chemicals Corporation
900 First Avenue
King of Prussia, Pa. 19406

I hereby further certify, pursuant to Rule 58, that this petition for rehearing is presented, not for the purpose of delay, but with a good faith belief in its merits and that the petition is restricted to the grounds presented by the decisions of the United States Court of Customs and Patent Appeals published March 16, 1967, in cases Nos. 7472 and 7522, which were published in Volume 153, No. 1, of the advance sheets of the United States Patent Quarterly, dated April 3, 1967, and which were received in this office and came to my attention on April 5, 1967.

W. BROWN MORTON, JR.

April 12, 1967